

BEST INTEREST DETERMINATION (BID)

Educational stability for children in out-of-home care

- Under the Every Student Succeeds Act (ESSA), a student should remain in his or her school of origin*.
- A student should only change schools if remaining in the school of origin is not in the child's best interest as determined by the school and child welfare agency.

**The school of origin is the school in which a child is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of placement change.*

Core Factors

In making a best interest determination for school stability, the following factors should be prioritized:

1. Safety of the student
2. Preference of the student, parent and any education decision maker
3. Educational needs and strengths (specialized language services, individual education plan (IEP), advanced placement courses, etc.)

Important Note

- The non-regulatory guidance specifically states **that the cost of transportation should not be considered when determining a student's best interest.**
- Federal law dictates that in circumstances when opinions differ between a school and child welfare agency on the best interest of a child, the child welfare agency should be considered final decision-maker due to safety, permanency, sibling placements and other considerations for the child's overall wellbeing.

Data



Each school change puts a youth academically behind

3-6 months

Other factors to consider:

- Expected length of placement and student's permanency plan
- Number of schools the student has attended
- How transfers impact the student
- Continuity in student's ethnic, cultural and linguistic background
- Student's attachment to the school, meaningful relationships with staff and peers
- How the timing of the transfer would coincide with a logical juncture, such as the end of the school semester or school year
- School(s) the student's sibling(s) attend
- Length of the commute

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Other Legislation

Utah Code 53A-2-207

- A student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services.

H.B. 358 Student Privacy Amendments

- A student data manager may share a student's personally identifiable student data from a cumulative record with a caseworker or representative of the Department of Human Services.

Data



Gather information from a variety of sources, including family, school staff (both school of origin and school of residence) or other professionals working with the student.

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